



1709

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Yang et al
Application No.: 09/908070
Filed: July 18, 2001
For: Fluorescent Dyed Lubricant For Medical Devices
Examiner: not assigned yet
Group Art Unit: not assigned yet

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TC 1700

Commissioner for Patent
Washington, D.C. 20231

Docket No.: S63.2-9826

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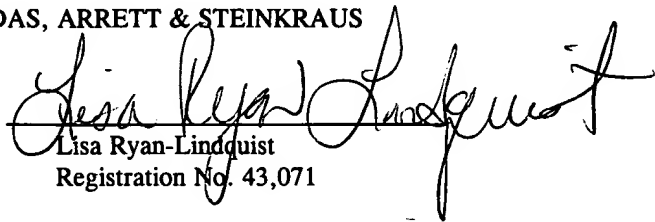
TRANSMITTAL LETTER

- In regard to the above-identified application, we are submitting the attached:
4 page Information Disclosure Statement; 3 page Form PTO 1449; copy of 35 references; VAS transmittal and postcard
- With respect to fees:
☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$
☐ Charge additional fee to our Deposit Account No. 22-0350.
- CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
- Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

VIDAS, ARRETT & STEINKRAUS


Date: September 14, 2001

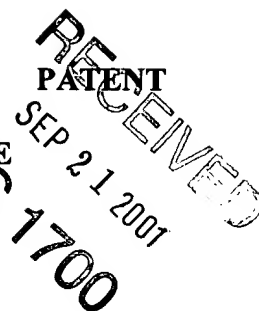
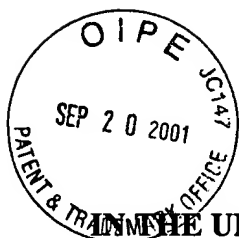
By:


Lisa Ryan-Lindquist
Registration No. 43,071

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, Washington D.C. 20231, on September 14, 2001.


Rebecca M. Painschab



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Dachuan Yang et al.
Application No.:	09/908,070
Filed:	July 18, 2001
For:	Flourescent Dyed Lubricant for Medical Devices
Examiner:	Not yet assigned
Group Art Unit:	Not yet assigned

Commissioner for Patent
Washington, D.C. 20231

Docket No.: S63.2-9826

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

 X **I.** This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or

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_____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Information Disclosure Statement
Application No. 09/908,070
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For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

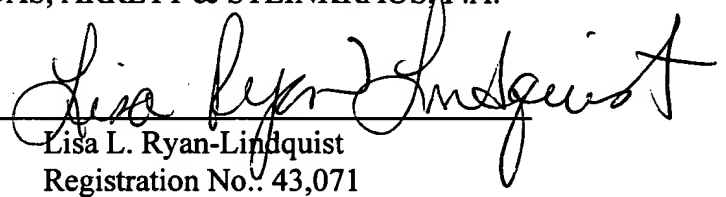
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

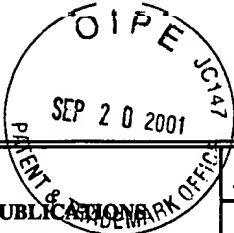
VIDAS, ARRETT & STEINKRAUS, P.A.

Date: September 14, 2001

By:


Lisa L. Ryan-Lindquist
Registration No.: 43,071

Suite 2000
6109 Blue Circle Drive
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2-9826	APPLICATION NO.: 09/908,070
	APPLICANT: Yang et al.	
	FILING DATE: July 18, 2001	GROUP: Not yet assigned

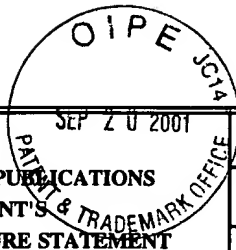
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS		
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,574,673	4/13/71	Schweiger	117/132	
	AB	4,439,356	3/27/84	Khanna et al.	260/112R	
	AC	4,452,720	6/5/84	Harada et al.	252/301.16	
	AD	4,481,136	11/6/84	Khanna et al.	260/112R	
	AE	4,904,433	2/27/90	Williamitis	264/130	
	AF	5,066,580	11/19/91	Lee	435/721	
	AG	5,188,934	2/23/93	Menchen et al.	435/6	
	AH	5,227,487	7/13/93	Haugland et al.	546/15	
	AI	5,231,191	7/27/93	Woo et al.	549/220	
	AJ	5,366,860	11/22/94	Bergot et al.	435/6	
	AK	5,543,295	8/6/96	Bronstein et al.	435/6	
	AL	5,576,072	11/19/96	Hostettler et al.	427/532	

FOREIGN PATENT DOCUMENTS				
		DOCUMENT NUMBER	DATE	COUNTRY
	BA	99/36960	7/22/99	WO
	BB	99/16832	4/8/99	WO
	BC			
	BD			
	BE			

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	CA		
	CB		
	CC		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449 (Modified)

LIST OF PATENTS AND PUBLICATIONS
FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY DOCKET NO.: S63.2-9826

APPLICATION NO.: 09/908,070

APPLICANT: Yang et al.

FILING DATE: July 18, 2001

GROUP: Not yet assigned

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FILING DATE
IF APPROPRIATE

REFERENCE DESIGNATION

U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,654,442	8/5/97	Menchen et al.	549/223	
	AB	5,662,960	9/2/97	Hostettler et al.	427/2.3	
	AC	5,750,409	5/12/98	Herrmann et al.	436/517	
	AD	5,807,605	9/15/98	Tingey et al.	427/8	
	AE	5,840,999	11/24/98	Benson et al.	568/735	
	AF	5,847,162	12/8/98	Lee et al.	549/227	
	AG	5,919,970	7/6/99	Song et al.	560/48	
	AH	5,936,087	8/10/99	Benson et al.	546/33	
	AI	6,008,379	12/28/99	Benson et al.	549/224	
	AJ	6,017,577	1/25/00	Hostettler et al.	427/2.12	
	AK	6,025,505	2/15/00	Lee et al.	549/381	
	AL	6,030,656	2/29/00	Hostettler et al.	427/2.3	
	AM	6,040,058	3/21/00	Hostettler et al.	428/457	
	AN	6,046,143	4/4/00	Khan et al.	508/208	
	AO	6,080,488	6/27/00	Hostettler et al.	428/423.3	
	AP	6,080,852	6/27/00	Lee et al.	536/25.32	
	AQ	6,120,904	9/19/00	Hostettler et al.	428/423.3	
	AR	6,191,278	2/20/01	Lee et al.	546/41	
	AS	5,115,136	5/19/92	Tomasch	250/461.1	
	AT	6,080,450	6/27/00	Cantor	427/517	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY
	BA			

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CA	
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: S63.2-9826		APPLICATION NO. 09/908,070	
		APPLICANT: Yang et al.			
		FILING DATE: July 18, 2001		GROUP: Not yet assigned	
US APPLICATIONS NOT RELATED BY PRIORITY					
EXAM'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA	09/697,194	10/26/00	Yang	
	DB				
	DC				
	DD				
	DE				
	DF				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

UNPUBLISHED US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.:		NO. APPLICATION	
		APPLICANT:			
		FILING DATE:		GROUP:	
US APPLICATIONS RELATED BY PRIORITY					
EXAM'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)	FORM 1449/892 ENC
	EA				
	EB				
	EC				
	ED				
	EE				
	EF				
	EG				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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